

**State of Vermont, House of Representatives  
House Committee on the Judiciary**

**Oral Testimony in Support of House Bill 89  
Law Professor David S. Cohen**

**January 25, 2023**

Good morning distinguished members of the House Committee on the Judiciary.

My name is David S. Cohen, professor of law at Drexel University's Thomas R. Kline School of Law in Philadelphia. I am also a board member of the Abortion Care Network, a network of independent abortion clinics throughout this country. Thank you for the opportunity to testify before you today in support of H.89, the Vermont Shield Law.

Along with two other law professors, Rachel Rebouche, the dean at Temple Law, and Greer Donley at Pitt Law, I have spent the last year studying the legal issues arising with the overruling of *Roe v. Wade*. Fourteen states now ban abortion and the best estimates are that a total of about half of the states in the country might ban abortion within a year or two.

This bill helps Vermont in this new reality. Vermont cannot change the fact that many states have made abortion illegal. But, what you can do with this bill is protect Vermont healthcare providers and people who travel to your state to obtain health care from the very real threat that *other* states pose.

What I am referring to is the threat that government officials and private individuals in other states will try to investigate, sue, or prosecute people in Vermont for providing reproductive healthcare to people who travel from antiabortion states to Vermont for lawful care.

That has not happened yet, but we are very close to this reality. Based on our expertise, we strongly believe that this risk will intensify in the coming years, as states seek to ban abortion not only in their borders but also when their residents seek abortion care in other places, such as in Vermont.

So far, seven states have enacted laws like the one you are considering today -- Connecticut was the first last May. Since then, New York, New Jersey, Delaware, Massachusetts, California, and Illinois have followed suit. Others, such as Colorado and Washington, are actively considering their own versions of this bill.

The exact provisions in each state's laws vary, but they all touch on the same things your bill does -- protecting providers from out of state subpoenas and summons, protecting reproductive health care information, preventing extradition when it is not required by the Constitution, allowing providers to countersue if someone enforces an out of state judgment around lawful abortion care in Washington, protecting providers' home addresses, and protecting providers and clinics from threats and violence.

These provisions will help ensure two things: first, they will serve a prophylactic purpose of preventing out of state actions and second, if they do occur, they will help Vermonters mitigate their effects. In our post-Roe environment, this bill is essential to prevent other states from interfering with the safe and legal care that Vermont provides all, including travelers.

Therefore, I urge you to pass this bill and join the other states that have been leading the way in this new abortion environment. Thank you.